THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27729 OF 2005

DATED:28.12.2005

Between:

Smt. Dhana Lakshmi Panachand Narsana

…Petitioner

And

The Municipal Corporation of Rajahmundry

Rep. by its Commissioner,

Rajahmundry Municipal Corporation,

Rajahmundry, East Godavari District

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27729 OF 2005

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.2.00 in S.No.283/1 of Taditota, Rajahmundry. She allegedly purchased the same under registered sale deed dt.20.2.1995 and since then she has been paying vacant land tax to Municipal Corporation of Rajahmundry. She alleges that the Officers of the respondent Corporation started giving markings in the site belonging to the petitioner and on enquiry she came to know that the Corporation is widening the road from existing 60' to 80' and for that purpose her land would be taken. Apprehending that she might be dispossessed from the land for the purpose of road widening, present Writ Petition is filed seeking a direction to the respondent not to dispossess the petitioner without due process of law.

At the stage of admission itself, learned Standing Counsel for Rajahmundry Municipal Corporation on instructions submits that only survey was conducted, that the Corporation is trying to negotiate with the land owners and if the owners are not willing to give advance possession of land for road widening, necessary action will be taken under Section 147 of the Hyderabad Municipal Corporation Act, 1955, as applicable to Rajahmundry Municipal Corporation.

Having regard to the submission made by the learned Standing Counsel, this Writ Petition is dismissed observing that if the petitioner is not willing to give consent or part with her land for road widening, the respondent shall have to follow due process of law before taking any action for widening road.

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(V.V.S.RAO, J)

28.12.2005

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